

UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA
Plaintiff

v.

Case Number 8:09CR73-001

USM Number

TUFLY COMMERCIAL
Defendant

MATTHEW F. HEFFRON

Defendant's Attorney

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

THE DEFENDANT pleaded guilty to count Count I of the Information on March 12, 2009.

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense:

<u>Title, Section & Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number</u>
8:1324(a)(1)(A)(iii) ENCOURAGE/INDUCE ALIEN TO ENTER/RESIDE IN THE U.S.	April 30, 2007	I

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

Following the imposition of sentence, the Court advised the defendant of the right to appeal pursuant to the provisions of Fed. R. Crim. P. 32 and the provisions of 18 U.S.C. § 3742 (a) and that such Notice of Appeal must be filed with the Clerk of this Court within ten (10) days of this date.

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Date of Imposition of Sentence:
March 12, 2009

s/ Laurie Smith Camp
United States District Judge

March 18, 2009

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PROBATION

The defendant is hereby sentenced to probation for a term of **three (3) Years** commencing **March 12, 2009**.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not illegally possess a controlled substance.

For offenses committed on or after September 13, 1994:

The defendant shall not possess a firearm, destructive device, or any other dangerous weapon.

If this judgment imposes a fine or a restitution obligation, it shall be a condition of probation that the defendant pay any such fine or restitution in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with any additional conditions.

STANDARD CONDITIONS OF SUPERVISION

1. The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
2. the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
3. the defendant shall notify the probation officer at least ten days prior to any change in address;
4. the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
5. the defendant shall permit a probation officer to visit its principal place of business or any place where it is engaged in business at any time and shall permit confiscation of any contraband observed in plain view of the probation officer;
6. the defendant shall notify the probation officer within seventy-two hours of being questioned by a law enforcement officer;
7. as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

SPECIAL CONDITIONS OF SUPERVISION

1. As part of a corporate compliance plan and order of the Court, TUFLY COMMERCIAL L.L.C. will hire or retain a monitor to be approved by the United States Probation Office to insure compliance with the laws relating to immigration and labor. Said monitor will be responsible for determining that all hires and employees are properly and legally screened for employment eligibility. The monitor will also report to the United States Probation Office the receipt of all no match letters sent to TUFLY COMMERCIAL L.L.C. by the Social Security Administration and any actions taken by TUFLY COMMERCIAL L.L.C. in response to those letters.
2. The defendant shall provide the United States Probation officer with access to any requested financial

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information.

3. The defendant shall submit the business premises, project sites, or vehicles, to a search conducted by a United States Probation Officer at any time; failure to submit to a search may be grounds for revocation; the defendant shall warn any other staff that the premises may be subject to searches pursuant to this condition.
4. The defendant shall comply with all Social Security and Bureau of Immigration and Customs Enforcement rules, regulations, and laws.

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CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth in this judgment.

Total Assessment

\$400.00

Total Fine

\$150,000.00

Total Restitution

interest requirement is waived.

FINE

A Fine in the amount of \$150,000.00 is imposed.

The Clerk of the Court shall not collect interest on the criminal monetary penalty.

RESTITUTION

No restitution was ordered.

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SCHEDULE OF PAYMENTS

The defendant shall pay the special assessment in the amount of \$400.00.
The defendant shall pay a fine in the amount of \$150,000.00

The criminal monetary penalty is due in full on the date of the judgment. The defendant is obligated to pay said sum immediately if Tuflly Commercial, L.L.C., has the capacity to do so. The United States of America may institute civil collection proceedings at any time to satisfy all or any portion of the criminal monetary penalty. Unless otherwise specifically ordered, the Clerk of the Court shall not collect interest on the criminal monetary penalty.

Without limiting the foregoing, the defendant shall make three (3) annual payments of \$50,000 to satisfy the criminal monetary penalty. The first payment is due on or before November 15, 2009, with each subsequent annual payment payable on or before the 15th of November of the following year. The defendant shall be responsible for providing proof of payment to the probation officer as directed.

Any payments made on the outstanding criminal monetary penalty shall be applied in the following order of priority: special assessment; restitution; fine; and other penalties. Unless otherwise specifically ordered, all criminal monetary penalty payments, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, shall be made to the clerk of the Court. Unless otherwise specifically ordered, interest shall not accrue on the criminal monetary penalty.

All financial penalty payments are to be made to the Clerk of Court for the District of Nebraska, 111 S. 18th Plaza, Suite 1152, Omaha, NE 68102-1322.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

The defendant shall inform the probation officer of any change in his or her economic circumstances affecting the ability to make monthly installments, or increase the monthly payment amount, as ordered by the court.

The defendant is restrained from transferring any real or personal property, unless it is necessary to liquidate and apply the proceeds of such property as full or partial payment of the criminal monetary penalty.

CLERK'S OFFICE USE ONLY:

ECF DOCUMENT

I hereby attest and certify this is a printed copy of a document which was electronically filed with the United States District Court for the District of Nebraska.

Date Filed: _____

DENISE M. LUCKS, CLERK

By _____ Deputy Clerk